



MAIL STOP PCT  
PATENT  
4521-1015

**IN THE U.S. PATENT AND TRADEMARK OFFICE**

In re application of

Simon Jeremy SKIRROW

Conf. 6900

Application No. 10/578,363

Filed May 5, 2006

IMPROVEMENTS IN AND RELATING TO SHOES

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 USC 371**

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

September 15, 2008

Sir:

The Notification issued July 8, 2008 states that the application as filed failed to include the oath or declaration of the inventor.

Applicant notes that under 37 CFR 1.495(b)(ii), the oath or declaration of the inventor must be filed in a national stage application only if a declaration of inventorship in compliance with Section 1.497 has not been previously submitted in the international application under PCT Rule 4.17(iv). Applicant notes that such 4.17(iv) declaration was probably submitted during international prosecution. Moreover, a copy of such declaration was included with the present application as filed, as evidenced by the attached photocopy of the receipt postcard bearing the date stamp of the USPTO, which clearly

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LAMONT M HUNTER

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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/578,363	Simon Jeremy Skirrow	4521-1015

466  
YOUNG & THOMPSON  
209 Madison Street  
Suite 500  
ALEXANDRIA, VA 22314

INTERNATIONAL APPLICATION NO.	
PCT/AU2004/001545	
I.A. FILING DATE	PRIORITY DATE
11/05/2004	11/07/2003

CONFIRMATION NO. 6900  
371 FORMALITIES LETTER



Date Mailed: 07/08/2008

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 05/05/2006
- Copy of the International Search Report filed on 05/05/2006
- Preliminary Amendments filed on 05/05/2006
- Small Entity Statement filed on 05/05/2006
- Request for Immediate Examination filed on 05/05/2006
- U.S. Basic National Fees filed on 05/05/2006
- Priority Documents filed on 05/05/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

identifies the 4.17 declaration of inventorship as included among the originally-filed materials. A courtesy copy of such declaration is also enclosed for the convenience of the Office.

As applicant presented the oath or declaration at the time of filing, it is believed that the \$65 surcharge should not be recorded in this case. However, should such surcharge be required, the USPTO is authorized to charge the same to Deposit Account No. 25-0120.

Respectfully submitted,

YOUNG & THOMPSON



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EJ/lk

INT. APPLN. # PCT/A/04/001545

Docket No. **4521-1015**

**ATTACHEMENT A NEW NATIONAL PHASE APPLICATION OF**

INVENTOR(S): Simon Jeremy SKIRROW

TITLE: IMPROVEMENTS IN AND RELATING TO SHOES

FILING DATE: May 5, 2006

CONSISTING OF: ☒ Transmittal Letter (PTO-1390) ☒ SMALL ENTITY CLAIM

☒ Published Application (English) ☐ English Language Translation (AP45)

**38** Total pages consisting of **30** Pages of Description, **6** Pages of Claims

**1** Sheets Of Drawings and **1** Page(s) Abstract

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|--|--|
| <input checked="" type="checkbox"/> Application Data Sheet                           | <input type="checkbox"/> PCT/IB/308                                  |
| <input checked="" type="checkbox"/> Preliminary Amendment                            | <input type="checkbox"/> Coversheet of Publication                   |
| <input type="checkbox"/> Executed declaration (1)                                    | <input type="checkbox"/> Exec. Assignment w/ PTO-1595                |
| <input type="checkbox"/> Paper Sequence Listing                                      | <input type="checkbox"/> Computer readable Seq. List (if applicable) |
| <input type="checkbox"/> Not. of Sub. of Sequence Listing                            | <input type="checkbox"/> Article 19 Amendments                       |
| <input type="checkbox"/> International Preliminary Examination Report (PCT/IPEA/409) |  |
| <input type="checkbox"/> Amended sheets w/IPER                                       | <input type="checkbox"/> Confirmation of \$1.78 Submission           |
| <input type="checkbox"/> Info. Disclosure Statement w/1449                           | <input type="checkbox"/> International Search Report                 |
| <input type="checkbox"/> Cited References  | <input type="checkbox"/> Check # <b>34886</b> for <b>\$\$875.00</b>  |

Other: **4.17 Declaration of Inventorship**

USPTO - PLEASE STAMP RECEIPT DATE AND APPLICATION NUMBER

Actual due date: **5/7/2006**

EJ/ia

